

SECOND REGULAR SESSION

# SENATE BILL NO. 1023

92ND GENERAL ASSEMBLY

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INTRODUCED BY SENATOR GRIESHEIMER.

Read 1st time January 8, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

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## AN ACT

To amend chapter 578, RSMo, by adding thereto one new section relating to the criminal use of audiovisual recording devices, with penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 578, RSMo, is amended by adding thereto one new section, to be known as section 578.500, to read as follows:

**578.500. 1. Any person, where a motion picture is being exhibited, who knowingly operates an audiovisual recording function of a device without the consent of the owner or lessee of such facility and of the licensor of the motion picture being exhibited shall be guilty of criminal use of real property.**

**2. As used in this section, the term "audiovisual recording function" means the capability of a device to record or transmit a motion picture or any part thereof by means of any technology now known or later developed.**

**3. The owner or lessee of a facility where a motion picture is being exhibited, or the authorized agent or employee of such owner or lessee, or the licensor of the motion picture being exhibited or his or her agent or employee, who alerts law enforcement authorities of an alleged violation of this section shall not be liable in any civil action arising out of measures taken by such owner, lessee, licensor, agent, or employee in the course of subsequently detaining a person that the owner, lessee, licensor, agent, or employee in good faith believed to have violated this section while awaiting the arrival of law enforcement authorities, unless the plaintiff can show by clear and convincing evidence that such**

measures were manifestly unreasonable or the period of detention was unreasonably long.

4. The provisions of this section shall not prevent any lawfully authorized investigative, law enforcement protective, or intelligence gathering employee or agent, of the state or federal government, from operating any audiovisual recording device in any facility where a motion picture is being exhibited, as part of lawfully authorized investigative, protective, law enforcement, or intelligence gathering activities.

5. Any person who has pled guilty to or been found guilty of violating the provisions of this section shall be guilty of a class A misdemeanor, unless the person has previously pled guilty or been found guilty of violating the provisions of this section, in which case it is a class D felony.

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